

FILED

FOR PUBLICATION

NOV 05 2009

UNITED STATES COURT OF APPEALS

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

**CATHOLIC LEAGUE FOR
RELIGIOUS AND CIVIL RIGHTS;
RICHARD SONNENSHEIN;
VALERIE MEEHAN,**

Plaintiffs - Appellants,

v.

**CITY AND COUNTY OF SAN
FRANCISCO; AARON PESKIN; TOM
AMMIANO, in his official capacity as a
Supervisor, Board of Supervisors, City
and County of San Francisco,**

Defendants - Appellees.

No. 06-17328

D.C. No. CV-06-02351-MHP

ORDER

KOZINSKI, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Circuit Rule 35-3. The three-judge panel opinion shall not be cited as precedent by or to any court of the Ninth Circuit.